IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1178 OF 2007

Bhagat Aromatics Ltd. ...Petitioners

v/s

The State of Maharashtra and ors. ...Respondents

Mr G.M. Misquita i/b M/s Mahendra Patel and Associates

for Petitioners.

Ms Geeta Shastri, A.G.P. for Respondent No.1.

CORAM : D.K. DESHMUKH AND J.H. BHATIA JJ.

DATE : 2ND AUGUST 2007.

P.C. :-

1. Rule. Rule heard forthwith.

2. Mr Pankaj Padam Kajaria, Constituted Attorney of the Petitioners, undertakes to this Court to deposit with respondent No.2 the amount calculated at the rate of Rs.1,500/- per sq.ft. carpet area for 732 sq.ft. of deed of transfer dated 5th September 2006 which is at Exh.'A' to the petition, towards the transfer fee, within two weeks.

3. The respondent No.3 is directed to register the deed of transfer submitted by the petitioners in respect of the office premises bearing No.88-B on the 8th floor of the building known as Jolly Maker Chamber No.II, situated at Plot No.225, Nariman Point, Mumbai 400 021 subject to payment stated hereinabove and payment of stamp duty and any other amounts, if any, payable as per law.

4. We, however, clarify that the amount of transfer charges deposited by the petitioners is without prejudice to their rights and contentions in the writ petition and in the event of the petitioners succeeding

in the writ petition, respondent No.2 - Collector of Mumbai shall refund the said amount alongwith interest at the rate of 5 % p.a.

5. Respondents waive service.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.

(JUSTICE D.K. DESHMUKH)

(JUSTICE J.H. BHATIA)